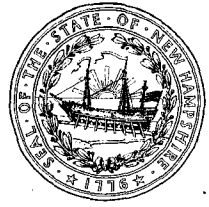




The State of New Hampshire  
**Department of Environmental Services**



Michael P. Nolin  
Commissioner

Sthua & Colleen Sliva  
367 Bee Hole Road  
Loudon, NH 03307

**LETTER OF DEFICIENCY  
WET 2005-053**

December 13, 2005

Dear Mr. & Mrs. Sliva.:

On September 23, 2005, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on the Town of Loudon Tax Map 12 as Lot 3 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-700.

During the inspection the following deficiencies were documented:

1. A timber bridge was removed from a perennial stream, Bee Hole Brook, and replaced with a culvert crossing without a permit from DES.
2. The culvert placed in Bee Hole Brook was 50' long by 10' wide.
3. On the east side of the stream approximately 100' linear feet of stream bank was impacted for the culvert crossing.
4. On the west side of the stream approximately 60' linear feet of stream bank was impacted for the culvert crossing.
5. Approximately 6,000 sq ft of wetlands had been filled for the crossing.
6. Additionally, approximately 100 sq ft (10' x 10') of wetlands, to the northwest of the culvert, was filled with dredge and fill spoils. The fill was eroding over the stream bank and into the stream.
7. Additionally, approximately 100 sq ft (10' x 10') of wetland, to the southeast of the culvert, was filled with dredge and fill spoils.
8. The fill on the east side of the brook had been mulched, but the fill on the west side of the stream was not mulched.
9. Hay bales had been staked along the east side of the stream, but not along the west side of the stream.
10. Sedimentation was present between the hay bales and the flowing water in the

stream, as well as in the stream channel.

11. Unstable soils on the east side of the culvert crossing had slumped into the brook, filling approximately 75 sq ft of stream channel.
12. No headwalls were constructed around the inlet or outlet of the culvert and the fill above the culvert remained unstable.

During the inspection a Wetlands Inspection Report was issued to Mr. Sliva requesting the following:

1. Within 2 days complete stabilization of all exposed soils:
  - a. Mulch the unstable fill on the [west] side of the culvert.
  - b. Stake in hay bales along the stream on the [west] side of the brook.
  - c. Either use hay bales or silt fence to contain the pile of soils on the [west] side of the culvert.
  - d. Mulch above the culverts and [stake in] hay bales where necessary.
2. Submit photos mounted on 8.5" x 11" white paper to DES within 7 days.
3. Cease all other work in the stream or wetland except for stabilization until further notice from DES.

On September 27, 2005 Mr. Sliva hand delivered photographs documenting the completion of #1.

In response, you are requested to take the following actions:

1. Monitor and maintain all existing erosion controls until restoration is completed and the site is permanently stabilized.
2. **Within 60 days** of receipt of this Letter of Deficiency, submit a restoration plan to DES for review and approval. Have the restoration plan prepared by a certified wetland scientist, and include provisions for the removal of the culvert and sedimentation in the stream channel and the restoration of the stream banks and wetlands on the Property. Submit the following with the restoration plan:
  - a. A plan with dimensions, drawn to scale, showing:
    1. Existing conditions, with wetland boundaries; and
    2. Proposed conditions after reestablishing the jurisdictional area.

- b. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc) and stabilization of the restoration area;
  - c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*);
  - d. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date.
  - e. A description of how impacts to the Blanding's Turtle, a "Species of Concern" in New Hampshire located in the area of the project site by NH Fish & Game, will be avoided/minimized.
  - f. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include at a minimum monitoring progress reports for two successive growing seasons following completion of the restoration project.
3. Retain a qualified wetland scientist to supervise the implementation of the restoration plan and to submit the restoration progress reports.
  4. Implement the restoration plan after receiving written approval from and as conditioned by DES.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Stacey Herbold, Compliance Specialist  
Wetlands Bureau  
Department of Environmental Services  
29 Hazen Drive  
PO Box 95  
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Stacey Herbold at (603) 271-4062.

Sincerely,

A handwritten signature in cursive script, appearing to read "Collis G. Adams", is written over the word "COPY" which is printed in large, bold, capital letters.

Collis G. Adams, CWS  
Administrator  
Wetlands Bureau

CERTIFIED MAIL 7004 0750 0003 0561 8071

cc: Rene Pelletier, Manager, Land Resources Management Program  
Gretchen R. Hamel, Administrator, DES Legal Unit ✓  
Loudon Conservation Commission  
Loudon Board of Selectmen  
USACOE  
File # 2005-2302